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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,438	01/22/2002	Gregory D. U'ren	00CON134P-DIV	7270
25700	7590	04/14/2004	EXAMINER	
FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVENUE, SUITE 360 MISSION VIEJO, CA 92691			PHAM, LONG	
ART UNIT		PAPER NUMBER		
		2814		

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/054,438	U'REN, GREGORY D.	
	Examiner	Art Unit	
	Long Pham	2814	<i>Av</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-45 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 18-45 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 26 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 26, "exposed single crystal silicon" has no antecedent basis. It is unclear what single crystal silicon is being referred to.

Also, the scope and meaning of claim 26 are not understood.

In claim 43, "exposed single crystal silicon" has no antecedent basis. It is unclear what single crystal silicon is being referred to.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 18, 19, 20, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (AAPA).

With respect to claim 18, AAPA teaches a structure comprising:

a base comprising a single crystal silicon-germanium. see pages 2-5 of the specification of this application; and

a base contact comprising polysilicon. see pages 2-5;

AAPA fails to explicitly teach a collector comprising of single crystal silicon adjacent to the base.

However, the formation of a collector comprising of single crystal silicon adjacent to a base in formation of a si-ge based HBT is well-known to one of ordinary skill in the art of making semiconductor devices.

AAPA further fails to explicitly teach an emitter comprising of polysilicon adjacent to the base.

However, the formation of an emitter comprising of polysilicon adjacent to a base in formation of a si-ge based HBT is well-known to one of ordinary skill in the art of making semiconductor devices.

Note that the processing limitations recited in structure claim 18 have been given no weight in the determination of patentability of claim 18.

With respect to claims 19-22, the processing limitations recited in structure claims 19-22 have been given no weight in the determination of patentability of claims 19-22.

5. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA.

With respect to claim 23, AAPA fails to teach that base comprises of 8 percent of germanium and 92 percent silicon.

However, it would have been obvious to one of ordinary skill in the art of making semiconductor devices to determine the workable or optimal values for the relative concentration of silicon and germanium through routine experimentation and optimization to obtain optimal or desired device performance because the relative concentrations of silicon and germanium are result-effective variables and there is no evidence indicating that they are critical or produce any unexpected results and it has been held that it is not inventive to discover the optimum or workable ranges of a result-effective variable within given prior art conditions by routine experimentation. See MPEP 2144.05.

With respect to claim 24, AAPA fails the base contact resistance is 650 ohms per micrometer.

However, However, it would have been obvious to one of ordinary skill in the art of making semiconductor devices to determine the workable or optimal values for the base contact resistance through routine experimentation and

optimization to obtain optimal or desired device performance because is result-effective variables and there is no evidence indicating that it is critical or produces any unexpected results and it has been held that it is not inventive to discover the optimum or workable ranges of a result-effective variable within given prior art conditions by routine experimentation. See MPEP 2144.05.

6. Claims 25, 27, 28, 29, 30, 31, 32, 33, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (AAPA).

With respect to claims 25, AAPA teaches a structure for forming a heterojunction bipolar transistor comprising:

a single crystal region situated over a first area. see pages 2-5 of the specification of this application; and

a polysilicon region situated over a second area.

With respect to claim 28, AAPA further teaches that the single crystal region comprises of silicon-germanium and the polysilicon region comprises polysilicon silicon-germanium.

With respect to claim 29, AAPA further teaches that the single crystal region or base is in contact in the polysilicon silicon-germanium or base contact.

With respect to claim 30, AAPA further teaches that the single crystal region is a base in a heterojunction bipolar transistor.

With respect to claim 31, AAPA further teaches that the polysilicon region is. The processing limitations recited in structure claims 25, 27, and 32-35 have been given no weight in the determination of patentability of claims 25, 27, and 32-35.

7. Claims 36, 37-40, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (AAPA).

With respect to claim 36, AAPA teaches a structure comprising:

a base comprising a single crystal silicon-germanium. see pages 2-5 of the specification of this application; and

a base contact comprising polysilicon. see pages 2-5;

AAPA fails to explicitly teach a collector comprising of single crystal silicon adjacent to the base.

However, the formation of a collector comprising of single crystal silicon adjacent to a base in formation of a si-ge based HBT is well-known to one of ordinary skill in the art of making semiconductor devices.

AAPA further fails to explicitly teach an emitter comprising of polysilicon adjacent to the base.

However, the formation of an emitter comprising of polysilicon adjacent to a base in formation of a si-ge based HBT is well-known to one of ordinary skill in the art of making semiconductor devices.

Note that the processing limitations recited in structure claim 36 have been given no weight in the determination of patentability of claim 36.

Note that the processing limitations recited in structure claims 37-40 have been given no weight in the determination of patentability of claims 37-40.

8. Claims 41, 42, 43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA.

With respect to claim 41, AAPA fails to teach that base comprises of 8 percent of germanium and 92 percent silicon.

However, it would have been obvious to one of ordinary skill in the art of making semiconductor devices to determine the workable or optimal values for the relative concentration of silicon and germanium through routine experimentation and optimization to obtain optimal or desired device performance because the relative concentrations of silicon and germanium are result-effective variables and there is no evidence indicating that they are critical or produce any unexpected results and it has been held that it is not inventive to discover the optimum or

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workable ranges of a result-effective variable within given prior art conditions by routine experimentation. See MPEP 2144.05.

With respect to claim 42, AAPA fails the base contact resistance is 650 ohms per micrometer.

However, it would have been obvious to one of ordinary skill in the art of making semiconductor devices to determine the workable or optimal values for the base contact resistance through routine experimentation and optimization to obtain optimal or desired device performance because is result-effective variables and there is no evidence indicating that it is critical or produces any unexpected results and it has been held that it is not inventive to discover the optimum or workable ranges of a result-effective variable within given prior art conditions by routine experimentation. See MPEP 2144.05.

With respect to claim 45, the use of polysilicon as emitter material is well-known to one of ordinary skill in the art of making semiconductor devices.

With respect to amended claim 43, it is well-known that a base contact is located over base region.

9. Applicant's arguments filed 02/17/04 have been fully considered but they are not persuasive. See below.

In response to the applicant's various arguments regarding how the single crystal silicon-germanium and polysilicon silicon-germanium are formed in the action dated 02/27/04, it is submitted that the process limitations recited in present device claims do not carry weight in the determination of the patentability of the present device claims. *In re Thorpe*, 227 USPQ 964 (Fed. Cir. 1985).

Any official notices taken by the examiner in the rejections that are not challenged subsequently are assumed to be valid.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long Pham whose telephone number is 571-272-1714. The examiner can normally be reached on M-F, 7:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Long Pham

Primary Examiner

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